

8/20/04

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/821,669 | 04/09/2004 | M. Zouhair Atassi | 66872-039 |

CONFIRMATION NO. 9880

FORMALITIES LETTER



OC000000013030352

Cathryn Campbell
McDERMOTT, WILL & EMERY
Suite 700
4370 La Jolla Village Drive
San Diego, CA 92122

Date Mailed: 06/22/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$3404** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$4304** for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

08/23/2004 MAHME1 00000041 502624 10821669


| | |
|------------|------------|
| 01 FC:1001 | 770.00 DA |
| 02 FC:1051 | 130.00 DA |
| 03 FC:1201 | 774.00 DA |
| 04 FC:1202 | 2340.00 DA |
| 05 FC:1203 | 290.00 DA |

- Total additional claim fee(s) for this application is **\$3404**

- **\$774** for 9 independent claims over 3.
- **\$2340** for 130 total claims over 20.
- **\$290** for multiple dependent claim surcharge.

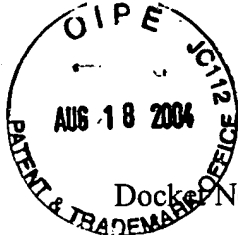
Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No.: 066872-0039

PATENT

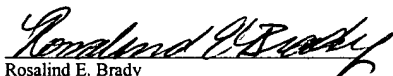
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------|---|------------------------|
| Applicant | : Atassi, M. Zouhair | Customer No.: 41552 |
| Appl. No. | : 10/821,669 | Confirmation No.: 9880 |
| Filed | : April 09, 2004 | |
| Title | : BOTULINUM TOXIN A PEPTIDES AND METHODS OF PREDICTING AND REDUCING IMMUNORESISTANCE TO BOTULINUM TOXIN THERAPY | |
| | | |
| Grp./A.U. | : 1653 | |
| Examiner: | : Unassigned | |

CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR § 1.10)

"Express Mail" Mailing Label Number EV 540267782 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Aug 18, 2004.


Rosalind E. Brady

**RESPONSE TO NOTICE
OF MISSING PARTS OF APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Parts of Application dated June 22, 2004, submitted herewith are the following documents for filing in the above-referenced application:

1. A copy of the Notice to File Missing Parts;
2. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63);
3. Statutory Basic filing fee by Large Entity of \$770.00;
4. Multiple Dependent Claim Fees by Large Entity of \$290.00;
5. Additional Claim Fees by Large Entity of \$3,114.00; and
6. Late Declaration Filing Fee Surcharge by Large Entity of \$130.00;

Serial No. 10/821,669

The filing fee has been calculated as shown below:

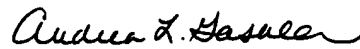
| | NO. OF CLAIMS | | EXTRA CLAIMS | RATE | AMOUNT |
|---|------------------|-----|-----------------|---------|-------------------|
| Total Claims | 150 | -20 | 130 | \$18.00 | \$2,340.00 |
| Independent Claims | 12 | -3 | 9 | \$86.00 | \$774.00 |
| Multiple Dependent Claim(s) | | | | | \$290.00 |
| Basic Fee | | | | | \$770.00 |
| Total of Above Calculations | | | | | \$4,174.00 |
| Less ½ for Small Entity | | | | | \$00.00 |
| Late Declaration Surcharge Fee for Small Entity | | | | | \$130.00 |
| Total Fee | | | | | \$4,304.00 |

Please charge Deposit Account No. 502624 in the amount of \$4,304.00. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



Andrea L. Gashler

Registration No. 41,029

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Date: August 18, 2004
SDO 15546-1.066872.0039